

**Exhibit J**

<b>U.S. Patent No. 5,459,857</b>			
<b>Claim No(s).</b>	<b>Claim Term</b>	<b>NetApp's Proposed Construction and Supporting Evidence</b>	<b>Sun's Proposed Construction and Supporting Evidence</b>
11	<b>“means, responsive to the receipt of a stream of data records from said data processor and designated by said data process for storage in available memory space in said data storage subsystem, for selecting available memory space in one of said redundancy groups to store said received stream of data records thereon”</b>	<p><b><u>PROPOSED CONSTRUCTION:</u></b> This term is subject to 35 U.S.C. § 112, ¶ 6. The function is: responsive to the receipt of a stream of data records from said data processor and designated by said data process for storage in available memory space in said data storage subsystem, selecting available memory space in one of said redundancy groups to store said received stream of data records thereon. The corresponding structure is a “storage control unit” including a “cluster control.”</p> <p><b><u>INTRINSIC EVIDENCE</u></b></p> <ul style="list-style-type: none"> <li>• See 5:20-6:31; Figs. 1-3 and accompanying text.</li> </ul> <p><b><u>EXTRINSIC EVIDENCE</u></b></p> <ul style="list-style-type: none"> <li>• Dr. Greg Ganger may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '857 patent.</li> <li>• NetApp reserves the right to rely on any evidence identified by Sun.</li> </ul>	<p>This limitation is a means-plus-function limitation governed by 35 U.S.C. §112, paragraph 6.</p> <p><b><u>Function:</u></b> for selecting available memory space in one of said redundancy groups to store said received stream of data records thereon</p> <p><b><u>Structure:</u></b> a storage control unit 105, 107</p> <p><b><u>EVIDENCE:</u></b></p> <ul style="list-style-type: none"> <li>• Intrinsic evidence supporting Sun's construction may be found, for example, at col. 4:26-54; col. 5:20-6:32; col. 11:20-12:40; and/or in Figures 1, 2 and/or 6; and claim 11.</li> <li>• Testimony by Sun's expert, Dr. Smith, concerning the meaning of this term to one of skill in the art in the context of its use in the '857 patent.</li> <li>• Sun reserves the right to rely on any evidence identified by NetApp.</li> </ul>

U.S. Patent No. 5,459,857			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
11	<b>“means for writing said received stream of data records and redundancy data associated with said received stream of data records in said selected available memory space in said one redundancy group”</b>	<p><b><u>PROPOSED CONSTRUCTION:</u></b> This term is subject to 35 U.S.C. § 112, ¶ 6. The function is: writing said received stream of data records and redundancy data associated with said received stream of data records in said selected available memory space in said one redundancy group. The corresponding structure is (1) a “storage control unit” including a “cluster control” and (2) a “disk controller”</p> <p><b><u>INTRINSIC EVIDENCE</u></b></p> <ul style="list-style-type: none"> <li>• See 5:20-6:31; Figs. 1-3 and accompanying text.</li> </ul> <p><b><u>EXTRINSIC EVIDENCE</u></b></p> <ul style="list-style-type: none"> <li>• Dr. Greg Ganger may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '857 patent.</li> <li>• NetApp reserves the right to rely on any evidence identified by Sun.</li> </ul>	<p>This limitation is a means-plus-function limitation governed by 35 U.S.C. §112, paragraph 6.</p> <p><b><u>Function:</u></b> writing said received stream of data records and redundancy data associated with said received stream of data records in said selected available memory space in said one redundancy group</p> <p><b><u>Structure:</u></b> storage control unit 105, 107; disk controller 112, 113</p> <p><b><u>EVIDENCE:</u></b></p> <ul style="list-style-type: none"> <li>• Intrinsic evidence supporting Sun's construction may be found, for example, at col. 4:26-54; col. 5:20-6:32; col. 11:20-12:40; and/or in Figures 1, 2 and/or 6.</li> <li>• Testimony by Sun's expert, Dr. Smith, concerning the meaning of this term to one of skill in the art in the context of its use in the '857 patent.</li> <li>• Sun reserves the right to rely on any evidence identified by NetApp.</li> </ul>
11	<b>“means for maintaining data indicative of the physical location of data records stored in said plurality of redundancy groups”</b>	<p><b><u>PROPOSED CONSTRUCTION:</u></b> This term is subject to 35 U.S.C. § 112, ¶ 6. The function is: maintaining data indicative of the physical location of data records stored in said plurality of redundancy groups. The corresponding structure is (1) “storage control unit” including a cache memory and (2) a</p>	<p>This limitation is a means-plus-function limitation governed by 35 U.S.C. §112, paragraph 6.</p> <p><b><u>Function:</u></b> maintaining data indicative of the physical location of data records stored in said plurality of redundancy groups</p>

U.S. Patent No. 5,459,857			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
		<p>"virtual track directory"</p> <p><b><u>INTRINSIC EVIDENCE</u></b></p> <ul style="list-style-type: none"> <li>See 5:20-6:31; 7:63-8:41; Figs. 1-3 and 7 and accompanying text.</li> </ul> <p><b><u>EXTRINSIC EVIDENCE</u></b></p> <ul style="list-style-type: none"> <li>Dr. Greg Ganger may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '857 patent.</li> <li>NetApp reserves the right to rely on any evidence identified by Sun.</li> </ul>	<p><u>Structure</u>: cache memory 512</p> <p><b><u>EVIDENCE</u></b>:</p> <ul style="list-style-type: none"> <li>Intrinsic evidence supporting Sun's construction may be found, for example, at col. 5:44-6:32; col. 7:63-8:41; claim 11; and/or in Figures 2 and/or 3.</li> <li>Testimony by Sun's expert, Dr. Smith, concerning the meaning of this term to one of skill in the art in the context of its use in the '857 patent.</li> <li>Sun reserves the right to rely on any evidence identified by NetApp.</li> </ul>
11	"means, interconnecting sad two data storage subsystems, for exchanging control and data signals"	<p><b><u>PROPOSED CONSTRUCTION</u></b>: This term is subject to 35 U.S.C. § 112, ¶ 6. The function is: interconnecting two data storage subsystems, for exchanging control and data signals. The corresponding structure is "a data link."</p> <p><b><u>INTRINSIC EVIDENCE</u></b></p> <ul style="list-style-type: none"> <li>See 2:19-43; 9:23-33; Figs. 1 and 5 and accompanying text.</li> </ul> <p><b><u>EXTRINSIC EVIDENCE</u></b></p> <ul style="list-style-type: none"> <li>Dr. Greg Ganger may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '857 patent.</li> </ul>	<p>This limitation is a means-plus-function limitation governed by 35 U.S.C. §112, paragraph 6.</p> <p><u>Function</u>: exchanging control and data signals</p> <p><u>Structure</u>: data link 106</p> <p><b><u>EVIDENCE</u></b>:</p> <ul style="list-style-type: none"> <li>Testimony by Sun's expert, Dr. Smith, concerning the meaning of this term to one of skill in the art in the context of its use in the '857 patent.</li> <li>Sun reserves the right to rely on any evidence identified by NetApp.</li> </ul>

U.S. Patent No. 5,459,857			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
		<ul style="list-style-type: none"> <li>NetApp reserves the right to rely on any evidence identified by Sun.</li> </ul>	
11	<p><b>“means, connected to said exchanging means and responsive to writing a data record to one of said redundancy groups, for transmitting said written data record to the other of said two data storage subsystems”</b></p>	<p><b><u>PROPOSED CONSTRUCTION:</u></b> This term is subject to 35 U.S.C. § 112, ¶ 6. The function is: responsive to writing a data record to one redundancy groups, transmitting said written data record to the other of two data storage subsystems. The corresponding structure is a “storage control unit” including a “cluster control” with an “IDI circuit.”</p> <p><b><u>INTRINSIC EVIDENCE</u></b></p> <ul style="list-style-type: none"> <li>See 11:62-66; Figs. 2 and 3 and accompanying text.</li> </ul> <p><b><u>EXTRINSIC EVIDENCE</u></b></p> <ul style="list-style-type: none"> <li>Dr. Greg Ganger may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '857 patent.</li> <li>NetApp reserves the right to rely on any evidence identified by Sun.</li> </ul>	<p>This limitation is a means-plus-function limitation governed by 35 U.S.C. §112, paragraph 6.</p> <p><u>Function:</u> transmitting said written data record to the other of said two data storage subsystems</p> <p><u>Structure:</u> data link 106, storage control unit 105, 107</p> <p><b><u>EVIDENCE:</u></b></p> <ul style="list-style-type: none"> <li>Testimony by Sun's expert, Dr. Smith, concerning the meaning of this term to one of skill in the art in the context of its use in the '857 patent.</li> <li>Sun reserves the right to rely on any evidence identified by NetApp.</li> </ul>

U.S. Patent No. 5,459,857			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
12	<b>“means responsive to said data record being received from said exchanging means, for selecting available memory space in one of said redundancy groups to store said received stream of data records thereon”</b>	<p><b><u>PROPOSED CONSTRUCTION:</u></b> This term is subject to 35 U.S.C. § 112, ¶ 6. The function is: responsive to a data record being received from said exchanging means, selecting available memory space in one of said redundancy groups to store said received stream of data. The corresponding structure is a “storage control unit” including a “cluster control.”</p> <p><b><u>INTRINSIC EVIDENCE</u></b></p> <ul style="list-style-type: none"> <li>• See 5:20-6:31; Figs. 1-3 and accompanying text.</li> </ul> <p><b><u>EXTRINSIC EVIDENCE</u></b></p> <ul style="list-style-type: none"> <li>• Dr. Greg Ganger may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '857 patent.</li> <li>• NetApp reserves the right to rely on any evidence identified by Sun.</li> </ul>	<p>This limitation is a means-plus-function limitation governed by 35 U.S.C. §112, paragraph 6.</p> <p><b><u>Function:</u></b> selecting available memory space in one of said redundancy groups to store said received stream of data records thereon</p> <p><b><u>Structure:</u></b> a second storage control unit 105, 107</p> <p><b><u>EVIDENCE:</u></b></p> <ul style="list-style-type: none"> <li>• Testimony by Sun's expert, Dr. Smith, concerning the meaning of this term to one of skill in the art in the context of its use in the '857 patent.</li> <li>• Sun reserves the right to rely on any evidence identified by NetApp.</li> </ul>
12	<b>“means for writing said received stream of data records and redundancy data associated with said received stream of data records in said selected available memory space in said one redundancy</b>	<p><b><u>PROPOSED CONSTRUCTION:</u></b> This term is subject to 35 U.S.C. § 112, ¶ 6. The function is: writing said received stream of data records and redundancy data associated with said received stream of data records in said selected available memory space in said one redundancy group. The corresponding structure is (1) a “storage control unit”</p>	<p>This limitation is a means-plus-function limitation governed by 35 U.S.C. §112, paragraph 6.</p> <p><b><u>Function:</u></b> writing said received stream of data records and redundancy data associated with said received stream of data records in said selected available memory space in said one redundancy</p>

U.S. Patent No. 5,459,857			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
	group”	<p>including a “cluster control” and (2) a “disk controller”</p> <p><b><u>INTRINSIC EVIDENCE</u></b></p> <ul style="list-style-type: none"> <li>• See 5:20-6:31; Figs. 1-3 and accompanying text.</li> <li>• NetApp reserves the right to rely on any evidence identified by Sun.</li> </ul>	<p>group</p> <p><u>Structure</u>: a second storage control unit 105, 107; a second disk controller 112, 113.</p> <p><b><u>EVIDENCE</u></b>:</p> <ul style="list-style-type: none"> <li>• Testimony by Sun's expert, Dr. Smith, concerning the meaning of this term to one of skill in the art in the context of its use in the '857 patent.</li> <li>• Sun reserves the right to rely on any evidence identified by NetApp.</li> </ul>
13	“means, responsive to said data processor requesting said data storage subsystem to read a data record from a selected redundancy group, for reading said maintained data to identify the physical storage location of said requested data record in said plurality of disk drives that comprise said selected redundancy group”	<p><b><u>PROPOSED CONSTRUCTION</u></b>: This term is subject to 35 U.S.C. § 112, ¶ 6. The function is: responsive to said data processor requesting said data storage subsystem to read a data record from a selected redundancy group, reading said maintained data to identify the physical storage location of said requested data record in said plurality of disk drives that comprise said selected redundancy group. The corresponding structure is a “storage control unit.”</p> <p><b><u>INTRINSIC EVIDENCE</u></b></p> <ul style="list-style-type: none"> <li>• See 12:29-40.</li> </ul> <p><b><u>EXTRINSIC EVIDENCE</u></b></p> <ul style="list-style-type: none"> <li>• Dr. Greg Ganger may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '857</li> </ul>	<p>This limitation is a means-plus-function limitation governed by 35 U.S.C. §112, paragraph 6.</p> <p><u>Function</u>: reading said maintained data to identify the physical storage location of said requested data record in said plurality of disk drives that comprise said selected redundancy group</p> <p><u>Structure</u>: storage control unit 105, 107</p> <p><b><u>EVIDENCE</u></b>:</p> <ul style="list-style-type: none"> <li>• Testimony by Sun's expert, Dr. Smith, concerning the meaning of this term to one of skill in the art in the context of its use in the '857 patent.</li> <li>• Sun reserves the right to rely on any evidence identified by NetApp.</li> </ul>

U.S. Patent No. 5,459,857			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
		<p>patent.</p> <ul style="list-style-type: none"> <li>NetApp reserves the right to rely on any evidence identified by Sun.</li> </ul>	
14	<p><b>“means, responsive to a failure of said selected redundancy group, for presenting a device not operational status to said host processor”</b></p>	<p><b><u>PROPOSED CONSTRUCTION:</u></b> This term is subject to 35 U.S.C. § 112, ¶ 6. The function is: responsive to a failure of said selected redundancy group, presenting a device not operational status to said host processor. The corresponding structure is a “data storage subsystem.”</p> <p><b><u>INTRINSIC EVIDENCE</u></b></p> <ul style="list-style-type: none"> <li>See 5:1-20.</li> </ul> <p><b><u>EXTRINSIC EVIDENCE</u></b></p> <ul style="list-style-type: none"> <li>Dr. Greg Ganger may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '857 patent.</li> <li>NetApp reserves the right to rely on any evidence identified by Sun.</li> </ul>	<p>This limitation is a means-plus-function limitation governed by 35 U.S.C. §112, paragraph 6.</p> <p><u>Function:</u> presenting a device not operational status to said host processor</p> <p><u>Structure:</u> storage control unit 105, 107</p> <p><b><u>EVIDENCE:</u></b></p> <ul style="list-style-type: none"> <li>Testimony by Sun's expert, Dr. Smith, concerning the meaning of this term to one of skill in the art in the context of its use in the '857 patent.</li> <li>Sun reserves the right to rely on any evidence identified by NetApp.</li> </ul>
6	<p><b>“in response to writing a data record to said one redundancy group” / “responsive to writing a data record to one of said redundancy groups”</b></p>	<p><b><u>PROPOSED CONSTRUCTION:</u></b> The event takes place after and in reaction to the writing of a data record to a single redundancy group.</p>	<p><b><u>PROPOSED CONSTRUCTION:</u></b> “in response to writing the data record to memory associated with the one redundancy group” / “responsive to writing the data record to memory associated with one of the redundancy groups”</p>

U.S. Patent No. 5,459,857			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
		<p><b><u>INTRINSIC EVIDENCE</u></b></p> <ul style="list-style-type: none"> <li>See 1:8-10; 2:65-3:38; 3:59-4:23; 6:5-32; 7:18-26; 9:59-10:58; 12:3-22; Figs 1-3 and 6 and accompanying text; Claims 23, 24, 26, 28, 29, 30, 31, 32, 34, 35, 36, 37, 40, 42, 43, 45, 46, 48, 50, 51, 52, 53, 54; Apr. 21, 1995 Information Disclosure Statement at 4.</li> </ul> <p><b><u>EXTRINSIC EVIDENCE</u></b></p> <ul style="list-style-type: none"> <li>Dr. Greg Ganger may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '857 patent.</li> <li>NetApp reserves the right to rely on any evidence identified by Sun.</li> </ul>	<p><b><u>EVIDENCE:</u></b></p> <ul style="list-style-type: none"> <li>'857 Patent, col. 4:39-50; Figure 6; col. 11:54-12:13.</li> <li>Testimony by Sun's expert, Dr. Smith, concerning the meaning of this term to one of skill in the art in the context of its use in the '857 patent.</li> <li>Sun reserves the right to rely on any evidence identified by NetApp.</li> </ul>
6, 8, 11	"data indicative of the physical location of data records"/"maintained data to identify the physical storage location of said requested data"	<p><b><u>PROPOSED CONSTRUCTION:</u></b> Data that maps address information from a processor to the physical location of data on disk.</p> <p><b><u>INTRINSIC EVIDENCE</u></b></p> <ul style="list-style-type: none"> <li>See 2:12-15; 7:64-8:41; 12:23-40; Fig. 7 and accompanying text; May 5, 1992 Information Disclosure Statement at 2-3.</li> </ul> <p><b><u>EXTRINSIC EVIDENCE</u></b></p> <ul style="list-style-type: none"> <li>Dr. Greg Ganger may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '857</li> </ul>	<p><b><u>PROPOSED CONSTRUCTION:</u></b> Sun contends this phrase does not require construction because the phrase is clear on its face. However, if the Court decides the construe this phrase, the phrase should be construed to mean: "data that describes the location of data records on disk" / "data that describes the location of the requested data on disk."</p> <p><b><u>EVIDENCE:</u></b></p> <ul style="list-style-type: none"> <li>Testimony by Sun's expert, Dr. Smith, concerning the meaning of this term to one of skill in the art in the context of its use in the '857</li> </ul>



U.S. Patent No. 5,459,857			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
		<p>patent.</p> <ul style="list-style-type: none"> <li>NetApp reserves the right to rely on any evidence identified by Sun.</li> </ul>	<p>patent.</p> <ul style="list-style-type: none"> <li>Sun reserves the right to rely on any evidence identified by NetApp.</li> </ul>
6, 7, 11, 12	"stream of data records"	<p><b>PROPOSED CONSTRUCTION:</b> A contiguous group of data records received from a processor.</p> <p><b><u>INTRINSIC EVIDENCE</u></b></p> <ul style="list-style-type: none"> <li>See 9:57-10:14.</li> </ul> <p><b><u>EXTRINSIC EVIDENCE</u></b></p> <ul style="list-style-type: none"> <li>Dr. Greg Ganger may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '857 patent.</li> <li>NetApp reserves the right to rely on any evidence identified by Sun.</li> </ul>	<p><b>PROPOSED CONSTRUCTION:</b> "a transmission of data records"</p> <p><b><u>EVIDENCE:</u></b></p> <ul style="list-style-type: none"> <li><b>stream:</b> (1) to send data from one device to another. (2) see data stream. IBM DICTIONARY OF COMPUTING (1994), p.654.</li> <li><b>data stream:</b> (1) All information (data and control commands) send over a data link usually in a single read or write operation. IBM DICTIONARY OF COMPUTING (1994), p. 177.</li> <li><b>data stream:</b> data that is flowing from one point to another in a network. A data stream usually consists of a succession of messages (or data blocks). MCGRAW-HILL DATA COMMUNICATIONS DICTIONARY (1993), p. 20.</li> <li>Testimony by Sun's expert, Dr. Smith, concerning the meaning of this term to one of skill in the art in the context of its use in the '857 patent.</li> <li>Sun reserves the right to rely on any evidence identified by NetApp.</li> </ul>

U.S. Patent No. 5,459,857			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
6, 11	"fault tolerant"	<p><b><u>PROPOSED CONSTRUCTION:</u></b> The ability of a computer system to continue to operate correctly even though one or more of its component parts are malfunctioning.</p> <p><b><u>INTRINSIC EVIDENCE</u></b></p> <ul style="list-style-type: none"> <li>• See 2:36-43; 4:55-5:19; Figs. 1-2 and 8 and accompanying text.</li> </ul> <p><b><u>EXTRINSIC EVIDENCE</u></b></p> <ul style="list-style-type: none"> <li>• Donald D. Spencer, <u>The Illustrated Computer Dictionary</u> (1986) <b>fault tolerance</b> Capability of a system to perform its functions in accordance with design specifications, even in the presence of hardware or software failures. If, in the event of faults, the system functions can be performed but do not meet the design specifications with respect to the time required to complete the job or the storage capacity required for the job, the system is said to be partially or quasi fault-tolerant. Provided by the application of protective reliability, these resources may consist of more hardware, software, time, or a combination of all three.</li> <li>• Dr. Greg Ganger may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '857 patent.</li> </ul>	<p><b><u>PROPOSED CONSTRUCTION:</u></b> Sun contends this term does not require construction because the term is clear on its face. However, if the Court decides the construe this term, the term should be construed to mean:  "data processor can recover from a failure of one data storage subsystem by accessing a duplicate copy of a data record in another data storage subsystem."</p> <p><b><u>EVIDENCE:</u></b></p> <ul style="list-style-type: none"> <li>• <b>fault tolerant:</b> pertaining to a system or component that is able to continue normal operation despite the presence of faults. THE IEEE STANDARD DICTIONARY OF ELECTRICAL AND ELECTRONICS TERMS, SIXTH ED. (IEEE Std 100-1996), p.395.</li> <li>• Testimony by Sun's expert, Dr. Smith, concerning the meaning of this term to one of skill in the art in the context of its use in the '857 patent.</li> <li>• Sun reserves the right to rely on any evidence identified by NetApp.</li> </ul>

U.S. Patent No. 5,459,857			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
		<ul style="list-style-type: none"> <li>NetApp reserves the right to rely on any evidence identified by Sun.</li> </ul>	
6, 11	"to maintain duplicate data records in both said data storage subsystems"	<p><b><u>PROPOSED CONSTRUCTION:</u></b> each data storage subsystem contains a copy of a virtual device image and data records stored in the other data storage subsystem.</p> <p><b><u>INTRINSIC EVIDENCE</u></b></p> <ul style="list-style-type: none"> <li>See Abstract, 2:19-33; 3:25-37; 4:38-54; 10:59-12:40; Fig. 5 and accompanying text; May 5 1992 Information Disclosure Statement at 2-3.</li> </ul> <p><b><u>EXTRINSIC EVIDENCE</u></b></p> <ul style="list-style-type: none"> <li>Dr. Greg Ganger may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '857 patent.</li> <li>NetApp reserves the right to rely on any evidence identified by Sun.</li> </ul>	<p><b><u>PROPOSED CONSTRUCTION:</u></b> Sun contends this phrase does not require construction because the phrase is clear on its face. However, if the Court decides the construe this phrase, the phrase should be construed to mean: "each data storage subsystem contains a copy of data records in the other data storage subsystem."</p> <p><b><u>EVIDENCE:</u></b></p> <ul style="list-style-type: none"> <li>Testimony by Sun's expert, Dr. Smith, concerning the meaning of this term to one of skill in the art in the context of its use in the '857 patent.</li> <li>Sun reserves the right to rely on any evidence identified by NetApp.</li> </ul>
6, 11	"in response to the receipt of a stream of data records from said data processor"/"responsive to the receipt of a stream of data records from said data processor"	<p><b><u>PROPOSED CONSTRUCTION:</u></b> The event takes place after and in reaction to the receipt of data records from a processor.</p> <p><b><u>INTRINSIC EVIDENCE</u></b></p> <ul style="list-style-type: none"> <li>See 9:59-10:57; see also Intrinsic evidence for "in response to writing a</li> </ul>	<p><b><u>PROPOSED CONSTRUCTION:</u></b> Sun contends this phrase does not require construction because the phrase is clear on its face.</p> <p><b><u>EVIDENCE:</u></b> '857 Patent, col. 4:39-50; Figure 6; 11:54-12:13.</p> <ul style="list-style-type: none"> <li>Testimony by Sun's expert, Dr. Smith,</li> </ul>

U.S. Patent No. 5,459,857			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
		<p>data record to said one redundancy group”</p> <p><b><u>EXTRINSIC EVIDENCE</u></b></p> <ul style="list-style-type: none"> <li>• Dr. Greg Ganger may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '857 patent.</li> <li>• NetApp reserves the right to rely on any evidence identified by Sun.</li> </ul>	<p>concerning the meaning of this term to one of skill in the art in the context of its use in the '857 patent.</p> <ul style="list-style-type: none"> <li>• Sun reserves the right to rely on any evidence identified by NetApp.</li> </ul>
14	“said host processor”	<p><b><u>PROPOSED CONSTRUCTION:</u></b> This term is indefinite.</p> <p><b><u>EXTRINSIC EVIDENCE</u></b></p> <ul style="list-style-type: none"> <li>• Dr. Greg Ganger may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '857 patent.</li> <li>• NetApp reserves the right to rely on any evidence identified by Sun.</li> </ul>	<p><b><u>PROPOSED CONSTRUCTION:</u></b> “said data processor”</p> <p><b><u>EVIDENCE:</u></b></p> <ul style="list-style-type: none"> <li>• Testimony by Sun's expert, Dr. Smith, concerning the meaning of this term to one of skill in the art in the context of its use in the '857 patent.</li> <li>• Sun reserves the right to rely on any evidence identified by NetApp.</li> </ul>